(4) Single Bench

CF/00L

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. 6114 / 2006

PETITIONER : Saheb Lal kurrey, S/o. Shri Dallu Ram Kurrey, aged about 47 years, Upper Division Teacher, Govt. Middle School, Sonpuri, Block – Korba, Distt.- Korba (C.G.)

P.R. No. 614/06
Presented by Shri Alok Shrivastava
dated 6-11-06

VERSUS

RESPONDENTS :

1. State of Chhattisgrh, Through – The Secretary, Department of Education, D.K.S. Bhawan, Raipur (C.G.)
2. Director Public Instruction, Chhattisgarh Govt. Raipur
3. District Education Officer, Distt. Korba (C.G.)
4. Assistant Commissioner, Tribal Welfare Department, Distt.- Korba (C.G.)
5. Block Education Officer, Block- Korba, Distt.-Korba (C.G.)

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Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.6114 OF 2006

Petitioner : Saheb Lal Kurrey

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Anil Singh Rajput, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 8th of November, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

2. Learned counsel appearing for the petitioner placed on record a copy of the order dated 12-10-2006 passed by this Court in

(37)

Writ Petition (S.) No.5593 of 2006 (*Smt. Asha Ekka (now kaushik) and another vs. State of Chhattisgarh and others*) and submits that the petitioner is similarly situated, therefore, the similar order may be passed.

3. The case of the petitioner is that he was appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized, but, he was not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioner made several representations to accord the same treatment as he is also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to respondent

No.1, raising all his grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioner stands on the same footings, as the petitioners in the Original Application No.1452 of 1998, then he be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal